

REMARKS

In the Office Action, dated October 23, 2002, the Examiner states that Claims 1-5 are pending and Claims 1-5 are rejected. By the present Amendment, Applicant amends the specification and the claims.

In the Office Action, the Patent Office rejects Claims 1-5 as being indefinite. The Applicant has amended the claims to overcome this rejection. However, as for the suggestion that "foil" be replaced by "layer", the Applicant respectfully disagrees that a foil is generally accepted as meaning a thin sheet of metal or metallic material. A search by the Applicant on the USPTO database found more than 60 patents with titles which use the term "plastic foil". A foil therefore may also be understood to be made of a polymer, such as is the case in the present application. Furthermore, concerning enclosing the fabric in the foil, when the foil is initially heated, the fabric may be pressed partly or totally into the foil, thus enclosing the fabric into the molten foil. The Applicant considers the amended claims to be clear with respect to the terms used and defined within the specification.

In the Office Action, the Patent Office rejects Claims 1-3 under 35 USC §102(b) as anticipated by Hutcheson (US 5,067,255). Applicant respectfully disagrees with this rejection.

Hutcheson discloses a cushioning and impact absorbing insole, where the cover member is attached to the insole by a bonding agent (col. 5, lines 18-33). In contrast, amended claim 1 claims an insole in which a fabric is pressed into and enclosed by a (heated) plastic foil. This is totally different from a fabric which is merely bonded to a foil, as disclosed by Hutcheson. Furthermore, Hutcheson discloses that the cover member is used to increase the comfort of the insole (see col. 1, lines 8-9). Creep of the foils is not mentioned or recognized by Hutcheson. This problem is solved by the claimed insole of the present invention, which has reinforced and increased mechanical strength due to the enclosed fabric. Since Hutcheson does not disclose enclosing a fabric in the foil, Applicant considers this rejection overcome.

4

In the Office Action, the Patent Office rejects Claim 4 under 35 USC §103(a) as unpatentable over Hutcheson in view of Filipitsch et al. (US 5,753,357). In view of the reasons given above to the allowability of Claim 1, Applicant considers Claims 4 and 5 also to be allowable, and this rejection overcome.

The Applicant has amended the specification on page 2, to insert the intended language of original Claim 1 which corresponds to amended Claim 1 and new Claim 6 into the object paragraph which originally referred to Claim 1.

In light of the foregoing response, all the outstanding objections and rejections have been overcome. Applicant respectfully submits that this application should now be in better condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



January 21, 2003

Date

Attorney for Applicant
Brian W. Hameder
c/o Ladas & Parry
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300
Reg. No. 45613

DOCKET: CU-2508

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Soren Vindriis)
SERIAL NO: 09/830,242) Group Art Unit: 3728
FILED: April 24, 2001) Examiner: T. Arnold III
TITLE: An Insole with Fabric

THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

MARKED VERSION OF AMENDED CLAIMS

1. An insole for footwear comprising;
a plastic top foil and a plastic bottom foil, and
one or more cavities, which are formed between the top foil and the
bottom foil and filled with a liquid or a gel,; [and]
wherein the top foil and the bottom foil are impermeable with respect to
the liquid or gel and are joined together at least along [the] an edge region[,];
wherein the top foil [and] as well as the bottom foil are equipped with a
fabric extending [to the whole of the extend of] between the foils and
between the edge region[s], where the top foil is joined with the bottom
foil[,]; wherein the fabric extends parallel with the foil[, preferentially extends
outside the outer side of the foil,]; and
wherein the fabric is joined with the foil by [mechanical joining,
wherein] at least partially enclosing the fabric [is joined with the foil by
enclosure] in the foil to reinforce the mechanical strength of the foil[, where
the foil initially is heated up, where the fabric subsequently is pressed
partly or totally into the foil, where the foil finally is cooled down,
whereby that part of the fabric which is pressed into the foil, is enclosed
in the foil].
2. An insole according to claim 1, wherein the frictional coefficient
b t w e n t h bottom foil [is] equipped with [a] fabric [which with respect to]
and a substantially smooth surface in [the] a bottom of [a] the footwear [has

a frictional coefficient which] is larger than the frictional coefficient [of] between the bottom foil without the fabric [with respect to] and the substantially smooth surface in the bottom of the footwear.

3. An insole according to claim 1, wherein the frictional coefficient between the top foil [is] equipped with [a] fabric [which with respect to] and a textile such as cotton, polyester or nylon [has a] is lower than the frictional coefficient [which is lower than the frictional coefficient for] between the top foil [with respect to] without the fabric and the textile.

4. An insole according to claim 1, wherein the fabric is made of fibers and is woven such that the fabric in every direction in the plane of the fabric has a tensile strength that is higher than the tensile strength for the foil in any direction planar with the foil.

5. An insole according to claim 1, wherein the fabric which is joined with the top foil is impregnated with a fungicide.

6. A method for production of an Insole for footwear comprising:
providing a plastic top foil and a plastic bottom foil, the top foil
and the bottom foil being impermeable to liquid;
joining the top foil and the bottom foil together at least along edge
regions;
forming one or more cavities between the top foil and the bottom
foil;
filling the cavities with a liquid or a gel; and
equipping the top foil as well as the bottom foil with a fabric to
reinforce the mechanical strength of the foil, the fabric extending
between the foils and between those edge regions where the top
foil is joined with the bottom foil, by:
initially heating up of the foil;
pressing the fabric partly or totally into the foil whereby that
part of the fabric which is pressed into the foil is partly or totally
enclosed in the foil; and
cooling down th foil.

DOCKET: CU-2508

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Soren Vindriis)
SERIAL NO: 09/830,242) Group Art Unit: 3728
FILED: April 24, 2001) Examiner: T. Arnold III
TITLE: An Insole with Fabric

THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

MARKED VERSION OF AMENDED SPECIFICATION PARAGRAPH

Page 2, paragraph 5

This object is accomplished with an insole [as described in claim 1] for footwear comprising a plastic top foil and a plastic bottom foil; and one or more cavities, which are formed between the top foil and the bottom foil and filled with a liquid or a gel; wherein the top foil and the bottom foil are impermeable with respect to the liquid or gel and are joined together at least along an edge region; wherein the top foil as well as the bottom foil are equipped with a fabric extending between the foils and between the edge region, where the top foil is joined with the bottom foil; wherein the fabric extends parallel with the foil; and wherein the fabric is joined with the foil by at least partially enclosing the fabric in the foil to reinforce the mechanical strength of the foil; where the foil is initially heated up; the fabric is partly or totally pressed into the foil whereby that part of the fabric which is pressed into the foil is partly or totally enclosed in the foil; and the foil is cooled down.